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7590 Douglas R Hanscom Jones Tullar & Cooper P O Box 2266 Eads Station Arlington, VA 22202				
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EXAMINER				
CHEN, YUAN L				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/564,290

**Applicant(s)**

BERNARD ET AL.

**Examiner**

Yuan L. Chen

**Art Unit**

2854

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 August 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 23-39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 23-39 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SE/US)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Objections*

1. Claims 25 and 37 – 39 are objected to because of the following informalities:

with respect to Claim 25, there is insufficient antecedent basis for “said second, front paths” in line 16 and “said rotatable forme cylinders” in line 14 should be changed to –said rotatable forme cylinder--; and

with respect to Claims 37 - 39, “ink application paths” in line 4 should be changed to –ink paths--; and

with respect to Claims 37 and 39, there is insufficient antecedent basis (there are only two defined paths in the independent claims 23 and 30, which are already interrupted) for “said rear ink path” in the last line, which should be changed to --a third, rear ink from said first ink distribution cylinder via said third ink distribution cylinder to said rotatable forme cylinder--, as defined in Claim 25.

Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 23 – 29, 35 and 37 – 38 are rejected under 35 U.S.C. 102(e) as being anticipated by Hummel et al. (Patent No.: US 6871590).

With respect to Claim 23, Hummel et al. disclose in Fig. 4 (see marked up attachment) as well as Column 5 lines 11 – 35 and Column 6 Lines 12 – 25: a printing group of a printing press comprising:

a forme cylinder (2) supported for rotation in said printing press;

an inking system (5 – 17) adapted for use to supply ink to said rotatable forme cylinder (2);

first, second and third ink distribution cylinders (9, 6 and 8) in said inking system;

a plurality of inking rollers and ink application rollers (5(1) – 5 (4)) in said inking system;

a first, front ink path (9-11-6 -5(1)-2) from said first ink distribution cylinder (9) to at least one movable one (11) of said plurality of inking rollers and to said rotatable forme cylinder (2) via said second ink distribution cylinder (6);

a second, rear ink path (9-11-6-5(2)-7-5(3)-8-5(4)-2) to said rotatable forme cylinder (2), said first ink path being before, in a sequence of ink applications to said forme cylinder (2), and in a direction of rotation (arrow) of said forme cylinder (2), said second ink path; and

means supporting at least said one movable one (11) of said inking rollers for movement in said inking system between at least first and second positions (double-

arrows) and wherein said second ink path (9-11-6-5(2)-7-5(3)-8-5(4)-2) is supplied with ink selectively (periodically in line 23) by direct contact between said at least one movable one (11) of said plurality of inking rollers, and one of said first ink distribution cylinder (9) and said second ink distribution cylinder (6) in accordance with said position of said at least one movable one (11) of said plurality of inking rollers.

With respect to Claim 24, Hummel et al. disclose in Fig. 4 (see marked up attachment) as well as Column 5 lines 11 – 35 and Column 6 Lines 12 – 25: the printing group of claim 23 wherein said at least one movable one (11) of said plurality of inking rollers in said second inking path can be selectively brought into contact with said first ink distribution cylinder (9) and said second ink distribution cylinder (6).

With respect to Claim 25, Hummel et al. disclose in Fig. 4 (see marked up attachment) as well as Column 5 lines 11 – 35 and Column 6 Lines 12 – 25: a printing group of a printing press comprising:

- a forme cylinder (2) supported for rotation in said inking press;
- an inking system adapted to supply ink to said rotatable forme cylinder (2);
- first, second and third ink distribution cylinders (9, 6 and 8) in said inking system;
- means supporting at least one (11) of said plurality of inking rollers for movement in said inking system between at least first and second positions (double-arrows);
- a first, front ink path (9-11-6 -5(1)-2) from said first ink distribution cylinder (9) via said at least one movable one (11) of said plurality of inking rollers and said second ink distribution cylinder (6) to said rotatable forme cylinder (2);

a second ink path (9-11-6-5(2)-7-5(3)-8-5(4)-2) from said third ink distribution cylinder (7/8) to said rotatable forme cylinder (2); and

a third, rear ink path (9-10-7-5(3)-8-5(4)-2) from said first ink distribution cylinder (9) via said third ink distribution cylinder (8) to said rotatable forme cylinder (2), said first ink path (9-11-6-5(1)-2) being before, in a sequence of ink applications to said rotatable forme cylinder(2), said second and third ink paths, said at least one movable one (11) of said plurality of inking rollers selectively (periodically in line 23) opening and closing (double-arrows) said first and said second, front ink paths while said third path is uninterrupted.

With respect to Claim 26, Hummel et al. disclose in Fig. 4 (see marked up attachment) as well as Column 5 lines 11 – 35 and Column 6 Lines 12 – 25: the printing group of claim 25 wherein said at least one movable one (11) of said plurality of inking rollers which is supported for movement (double-arrows) can be selectively (periodically in line 23) brought into contact with and out of contact (Fig. 5) with said second distribution cylinder (6).

With respect to Claims 27 and 28, Hummel et al. disclose in Fig. 4 (see marked up attachment) and Column 3 Lines 4 – 12: the printing group of claims 23 and 25 further including a dampening system (3) in said printing group and having at least one dampening fluid distribution cylinder (as marked) and at least one dampening fluid application roller (wetting agent application roller in line 9), said at least one dampening fluid application roller (wetting agent application roller in line 9) being supported for movement (integrated in line 4 and separated in line 9) between selected positions (see

marked up attachment) wherein dampening agent can be applied from said at least one dampening fluid application roller (wetting agent application roller in line 9) selectively to one of said ink distribution cylinders (6) and then to said forme cylinder (2) and directly to said forme cylinder (2).

With respect to Claim 29, Hummel et al. disclose in Fig. 4 (see marked up attachment) as well as Column 5 lines 11 – 35 and Column 6 Lines 12 – 25: the printing group of claim 23 further including a second movable one (10) of said plurality of inking rollers adapted to selectively (double-arrows) interrupt and close an ink path (9-10-7-5(2)-6-5(1)-2) from said first ink distribution cylinder (9) to said second ink distribution cylinder (6).

With respect to Claim 35, Hummel et al. disclose in Fig. 4 (see marked up attachment) and Column 3 Lines 4 - 12: the printing group of claim 23 wherein said dampening fluid application roller (wetting agent application roller) is adapted to be brought into contact (not separated) with said rotatable forme cylinder (2).

With respect to Claim 37, Hummel et al. disclose in Fig. 4 (see marked up attachment), Column 6 Lines 12 – 25 and Column 3 Lines 4 - 12: the printing group of claims 27 wherein said inking system and said dampening system (3) are changeable between a normal operation (as shown in Fig. 4 (see marked up attachment)) wherein ink and dampening fluid are applied via said second distribution cylinder (6), a blind plate operation (11 is lifted as upper arrow indicated without contacting with 6) wherein said first (9-11-6 -5(1)-2) and second (9-11-6-5(2)-7-5(3)-8-5(4)-2) ink paths are

interrupted and dampening fluid application is accomplished by said dampening system (3) and said second distribution cylinders (6), and a special production wherein dampening fluid application is accomplished through said dampening system (3) and said second distribution cylinder (6) and inking is accomplished only via a third, rear ink path (9-10-7-5(3)-8-5(4)-2) from said first ink distribution cylinder (9) via said third ink distribution cylinder (8) to said rotatable forme cylinder (2).

With respect to Claim 38, Hummel et al. disclose in Fig. 4 (see marked up attachment), Column 6 Lines 12 – 25 and Column 3 Lines 4 - 12: the printing group of claims 28 wherein said inking system and said dampening system (3) are changeable between a normal operation (as shown in Fig. 4 (see marked up attachment)) wherein ink and dampening fluid are applied via said second distribution cylinder (6), a blind plate operation (11 is lifted as upper arrow indicated without contacting with 6) wherein said first (9-11-6 -5(1)-2) and second (9-11-6-5(2)-7-5(3)-8-5(4)-2) ink paths are interrupted and dampening fluid application is accomplished by said dampening system (3) and said second distribution cylinders (6), and a special production wherein dampening fluid application is accomplished through said dampening system (3) and said second distribution cylinder (6) and inking is accomplished only via said rear ink path (9-10-7-5(3)-8-5(4)-2).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 30 – 34, 36 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hummel et al. in view of Fischer (Patent No.: US 4290360).

With respect to Claim 30, Hummel et al. disclose in Fig. 4 (see marked up attachment), Column 6 Lines 12 – 25 and Column 3 Lines 4 - 12: a printing group of a printing press comprising:

a forme cylinder (2) supported for rotation in said printing press;

an inking system (5 – 17) adapted to supply ink to said rotatable forme cylinder (2);

first, second and third ink distribution cylinders (9, 6, and 8) in said inking system;

a plurality of inking rollers and ink application rollers (5(1) – 5 (4)) in said inking system;

a dampening system (3) including at least one dampening fluid distribution cylinder (as marked) and at least one dampening fluid application roller (wetting agent application roller in line 9);

means supporting at least one (11) of said plurality of said inking rollers and one (5(1)) of said plurality of ink application rollers for movement between selected positions in said inking system;

a first, front ink path (9-11-6-5(2)-7-5(3)-2) formed from said first ink distribution cylinder (9) via said second ink distribution cylinder (6) and said third ink distribution cylinder (7) to said forme cylinder (2);

a second, rear ink path (9-11-6-5(2)-7-5(3)-8-5(4)-2);

means supplying dampening agent from said at least one dampening fluid distribution cylinder (as marked) and said at least one dampening fluid application roller (wetting agent application roller) to said forme cylinder (2) wherein said second ink distribution cylinder (6) can be selectively assigned to only said inking system (operable without 3), to only said dampening system (Fig. 5) and to both said inking system and said dampening system (Fig. 4 (see marked up attachment)) by selective positioning of said movable one (11) of said plurality of inking rollers and said at least one dampening fluid application rollers (wetting agent application roller separated or not separated from 2).

Hummel et al. do not teach the dampening fluid application roller is axially movable.

However, Fischer teaches in Figs. 1 - 2 as well as column 2 lines 38 -39 and column 3 lines 14 - 50: in this five-roller dampening system (dampening fluid pick-up roller 5, damping fluid transfer roller 6, movable dampening fluid application roller 10,

ink distribution roller 15 and ink application roller 16), the dampening fluid transfer roller or dampening distribution cylinder (6) is axially movable.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of invention was made to have modified Hummel et al's machine by using Fischer's dampening system including an axially movable dampening fluid distribution cylinder for the purpose of providing a uniformity of dampening fluid on the dampening fluid application roller to increase the printing quality.

This modification/combination meets all the limitations of Claim 30.

With respect to Claim 31, the modification/combination meets all the limitations of Claim 31 (Fig. 4 (see marked up attachment), Column 6 Lines 12 – 25 and Column 3 Lines 4 – 12 of Hummel et al.): the printing group of claim 30 wherein said at least movable one (11) of said plurality of said inking rollers is movably supported in said inking system and said dampening fluid application roller (wetting agent application roller) is movably supported in said dampening system (3) wherein said second ink distribution cylinder (6) is selectively assigned to ink application (operable without 3), to ink and dampening fluid application (Fig. 4 (see marked up attachment)), and to dampening fluid application (Fig. 5) by said selective positioning of said movable one (11) of said plurality of inking rollers and said at least one dampening fluid application roller (wetting agent application roller separated or not separated from 2).

With respect to Claims 32 - 34, the modification/combination meets all the limitations of Claims 32 - 34 (Figs. 1 - 2 and column 3 lines 14 -35 of Fischer): the dampening system is a five-roller dampening system.

With respect to Claim 36, the modification/combination meets all the limitations of Claim 36 (Fig. 4 (see marked up attachment) and Column 3 Lines 4 - 12 of Hummel et al.): the printing group of claim 30 wherein said dampening fluid application roller (wetting agent application roller) is adapted to be brought into contact (not separated) with said rotatable forme cylinder (2).

With respect to Claim 39, the modification/combination meets all the limitations of Claim 39 (Fig. 4 (see marked up attachment) and Column 3 Lines 4 - 12 of Hummel et al.): the printing group of claims 27 wherein said inking system and said dampening system (3) are changeable between a normal operation (as shown in Fig. 4 (see marked up attachment)) wherein ink and dampening fluid are applied via said second distribution cylinder (6), a blind plate operation (11 is lifted as upper arrow indicated without contacting with 6) wherein said first (9-11-6 -5(1)-2) and second (9-11-6-5(2)-7-5(3)-8-5(4)-2) ink paths are interrupted and dampening fluid application is accomplished by said dampening system (3) and said second distribution cylinders (6), and a special production wherein dampening fluid application is accomplished through said dampening system (3) and said second distribution cylinder (6) and inking is accomplished only via a third, rear ink path (9-10-7-5(3)-8-5(4)-2) from said first ink distribution cylinder (9) via said third ink distribution cylinder (8) to said rotatable forme cylinder (2).

***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yuan L. Chen whose telephone number is 571-270-3799. The examiner can normally be reached on Monday-Friday 7:30 AM to 5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Nguyen can be reached on 571-272-2258. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/yc/

/Ren L Yan/  
Primary Examiner, Art Unit 2854